

The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

DANIEL MITCHELL, et al.,

Plaintiffs,

v.

CHUCK ATKINS, et al.,

Defendants,

SAFE SCHOOLS SAFE COMMUNITIES,

Intervenor-Defendant.

NO. 3:19-cv-05106-JCC

STIPULATED MOTION AND
~~PROPOSED~~ ORDER EXTENDING
DEADLINES

NOTE ON MOTION CALENDAR:
SEPTEMBER 14, 2023

STIPULATION

1. Plaintiffs and Defendants intend to file cross motions for summary judgment. Rather than each party filing separate briefs, resulting in six briefs, the Parties have conferred and jointly agreed to a briefing schedule to allow for the submission of four briefs to the Court, pursuant to Local Civil Rule 7(k). The Parties have also conferred and agreed to an extension of the word count limits given the combined briefing. Good cause exists for this request, and the parties hereby stipulate to the following:

2. Parties propose the following dispositive motion briefing schedule and word count limits:

- Plaintiffs file their Motion for Summary Judgment, not to exceed 8,400 words, November 14, 2023, noted for January 30, 2024.

- Any Defendants may file their Combined Cross Motions for Summary Judgment and Oppositions to Plaintiffs' Motion for Summary Judgment not to exceed 12,000 words, by December 12, 2023, noted for January 30, 2024. Intervenor-Defendant may file a supplemental brief not to exceed 6,000 words.
- Plaintiffs will file their Combined Reply in Support of Plaintiffs' Motion for Summary Judgment and Opposition to Defendants' Joint Motions for Summary Judgment, not to exceed 10,000 words, by January 9, 2024.
- Defendants will file their Replies in Support of their Motions for Summary Judgment, not to exceed 4,200 words, by January 30, 2024. Intervenor-Defendant may file a supplemental brief not to exceed 2,100 words.

The Parties believe that the issues in this case are appropriate for resolution on summary judgment and, particularly given that Plaintiffs will not be offering any expert testimony, that it is likely no trial will be necessary at all. As such, the Parties request that the other deadlines in this case be suspended pending resolution of the dispositive motions, to be reset if any issues or claims remain in this case following summary judgment.

DATED this 14th day of September 2023.

Presented by:

ROBERT W. FERGUSON
Attorney General

/s/ R. July Simpson

R. JULY SIMPSON, WSBA #45869

Assistant Attorney General

NOAH G. PURCELL, WSBA #43492

Solicitor General

WILLIAM MCGINTY, WSBA #41868

ANDREW HUGHES, WSBA#49515

Assistant Attorneys General

July.Simpson@atg.wa.gov

Noah.Purcell@atg.wa.gov

William.McGinty@atg.wa.gov

Andrew.Hughes@atg.wa.gov

Attorneys for Defendant Teresa Berntsen

Approved as to Form:

CLARK COUNTY PROSECUTOR'S OFFICE

/s/ Leslie Anne Lopez

LESLIE ANNE LOPEZ, WSBA #46118

Prosecuting Attorney

Leslie.Lopez@clark.wa.gov

Attorney for Defendant Chuck Atkins

ALBRECHT LAW PPL

/s/ David K. DeWolf

MATTHEW C. ALBRECHT, WSBA #36801

DAVID K. DEWOLF, WSBA #10875

Attorneys at Law

Matt@albrechtlawfirm.com

David@albrechtlawfirm.com

Attorneys for Plaintiffs Robin Ball, Nathaniel

Casey, Daniel Mitchell, National Rifle

Association, Luke Rettmer, Second Amendment

Foundation, and Matthew Wald

ARD LAW GROUP PLLC

/s/ Joel B. Ard

JOEL B. ARD, WSBA #40104

Attorney at Law

Joel@ard.law

Attorneys for Plaintiffs Robin Ball, Nathaniel

Casey, Daniel Mitchell, National Rifle

Association, Luke Rettmer, Second Amendment

Foundation, and Matthew Wald

OFFICE OF SPOKANE CITY ATTORNEY

/s/ Nathaniel Odle

NATHANIEL ODLE, WSBA #39602

Assistant City Attorney

Nodle@spokanecity.org

Attorney for Defendant Craig Meidl

PACIFICA LAW GROUP LLP

/s/ Kai A. Smith

ZACHARY J. PEKELIS, WSBA #44557

KAI A. SMITH, WSBA # 54749

Attorneys at Law

Zach.Pekelis@pacificallawgroup.com

Kai.Smith@pacificallawgroup.com

Attorneys for Intervenor-Defendant Safe Schools

Safe Communities

ORDER

IT IS HEREBY ORDERED: That the stipulation of the Parties is APPROVED and ADOPTED. DATED this 15th day of September 2023.



U.S. District Court Judge, John C. Coughenour

DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will send notification of such filing to all counsel of record.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 14th day of September 2023, at Tacoma, Washington.

s/ R. July Simpson

R. JULY SIMPSON, WSBA #45869
Assistant Attorney General